

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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RITCHIE CAPITAL MANAGEMENT, L.L.C., et al.,

Plaintiffs,

v.

07 Civ. 3494 (DLC)

COVENTRY FIRST LLC, et al.,

Defendants.
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**DECLARATION OF LAWRENCE S. ROBBINS
IN SUPPORT OF PLAINTIFFS' OPPOSITION
TO DEFENDANTS' MOTION TO DISMISS**

I, Lawrence S. Robbins, hereby declare:

1. I am a partner in the law firm of Robbins, Russell, Englert, Orseck & Untereiner LLP, counsel to the plaintiffs in this action. I submit this declaration in opposition to Defendants' motion to dismiss.

2. Attached hereto as Exhibit 1 are a true and correct copy of the notice of motion to dismiss and memorandum of law in support of the motion submitted by Montgomery Capital, Inc. and The Coventry Group, Inc. in *People v. Coventry First LLC, et al.*, index number 404620/06, in the Supreme Court of New York, County of New York. In these papers Montgomery Capital, Inc. expressly concedes personal jurisdiction in New York, in direct contrast to its statement on p.2 of its memorandum of law in this action that this Court "lacks personal jurisdiction over . . . Montgomery Capital, Inc."

3. Attached hereto as Exhibit 2 are true and correct copies of records retrieved from the Department of State of New York, including: (a) an application of Montgomery Capital, Inc. for a license to do business in New York under Section 1304 of the New York Business Corporation Law filed November 18, 1999; (b) a certificate of change for Montgomery Capital, Inc.'s application for

authority; and (c) a biennial statement filed by Montgomery Capital, Inc. pursuant to the Business Corporation Law.

4. Attached hereto as Exhibit 3 is a true and correct copy of the notice of motion to dismiss filed by Reid Buerger in *People v. Coventry First LLC* indicating that Reid Buerger's motion was not based on the defense of lack of personal jurisdiction.

5. Attached hereto as Exhibit 4 is a true and correct copy of the Affidavit of David Axinn submitted in *People v. Coventry First LLC* in opposition to the motion to dismiss of Coventry First LLC and Reid Buerger, together with Exhibits B, C, and D thereto.

6. Attached hereto as Exhibit 5 is a true and correct copy of the Affidavit of Jennifer Koh submitted in *People v. Coventry First LLC* in opposition to the motion to dismiss of Montgomery Capital, Inc. and The Coventry Group, Inc., together with Exhibit E thereto.

7. Attached hereto as Exhibit 6 is a true and correct copy of the Notice and Order to Show Cause filed by the Florida Office of Insurance Regulation against Coventry First LLC on May 10, 2007.

I declare under penalty of perjury that the foregoing is true and correct.

Executed in Washington, D.C. on June 12, 2007

/s Lawrence S. Robbins
Lawrence S. Robbins